Appl. No. 09/849,693
Amdt. Dated May 9, 2005
Reply to Office Action of December 15, 2004

Attorney Docket No. 23658.0002
Customer No. 26021

Remarks/Arguments

Reconsideration of this application is requested.

Extension of Time

A request for a two month extension of time for response to the office action mailed on December 15, 2004 is enclosed. The extended period for response expires on May 15, 2005.

Claim Status

Claims 1-24 are pending. Claims 1 and 9 are amended.

Related Applications

The specification is objected to for missing related application data The specification is amended to provide the updated application data.

Claim Rejections – 35 USC 102(e)

Claims 1-4 are rejected under 35 USC 102(e) as anticipated by Fukunaga (USPN 6,775,020). In response, claim 1 is amended to clearly distinguish over Fukunaga.

Claim 1 is amended to recite "a preamble for bus arbitration *and priority determination*". FIG. 7A of applicant's specification is a state diagram showing how a node gains access to the control bus. An arbitration process assigns priority based on the control message preamble. FIG. 7B shows a control message structure used for bus access arbitration. Each preamble byte is either zero or one hexadecimal and sets a contention bit in the control bus. The preamble may be a pseudo-random binary number with the lowest value having the highest bus priority. The preamble is followed by the destination address. See page 18, line 17 to page 19, line 9 of applicant's specification.

Fukunaga, by contrast, does not disclose use of a preamble in a data packet for bus arbitration or priority determination. Fukunaga's FIG. 22 shows that a header portion of an asynchronous data packet starts with a destination ID, and FIG. 24 shows that a header file of an isochronous data packet starts with the data

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length. In neither of these data packets is a preamble for bus arbitration and priority determination provided.

The Action cites Fig. 21 and col. 13, lines 30-40 of Fukunaga as disclosing "a control structure having a preamble for bus arbitration". Applicant respectfully traverses this assertion. Fig. 21 illustrates a *timeline* for asynchronous transmission, and shows a time period for bus arbitration followed by a time period for packet transmission. Thus, the illustrated segment entitled "arbitration" is not a preamble to a data packet, as is required by claim 1, rather, it is merely a time period for carrying out arbitration that precedes a time period during which packet transmission is carried out. Fig. 21 and the accompanying description do not describe how the arbitration is carried out and, in particular, do not show or suggest a *control message structure* (data packet) including a *preamble for bus arbitration and priority determination*, as is required by claim 1.

Since Fukunaga does not teach each and every element of claim 1, it cannot anticipate claim 1 or claims 2-4 dependent thereon. The rejections of those claims under 35 USC 102(e) should be withdrawn.

Claim Rejections – 35 USC 103(a)

Claims 5-24 are rejected under 35 USC 103(a) as obvious over Fukunaga. Claim 9 is independent and is amended to recite monitoring activity on a control bus to "determine the priority of each message being sent based, at least in part, on a preamble portion of each message". Thus, claim 9, and claims 10-24 dependent thereon, are allowable for the same reasons set forth for claim 1 above. Claims 5-8 depend from claim 1 and are similarly allowable.

The preamble of the control message structure of the present invention provides a significant advantage over the data packets of Fukunaga in that the preamble enables bus arbitration and priority determination of each message being sent over the network. Fukunaga does not disclose this feature of the present invention and also fails to suggest or anticipate it.

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Conclusion

This application is now in condition for allowance. The examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,

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Date: May 9, 2005

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